THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15778 of 2006

Dated: 10-04-2007

Between:

K. Narayana Raju.

..... PETITIONER

AND

The Deputy Commissioenr of Endowments, Kakinada, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15778 of 2006

ORDER:

The petitioner is aggrieved by the orders passed by the Deputy Commissioner of Endowments in O.A.No.46 of 2004 dated 06.06.2006. By the said order, first respondent allowed the application filed by fourth respondent to implead third parties including him as respondents 3 to 7. The order is mainly assailed on the ground that the provisions of Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC), have no application to the proceedings under Section 87(1)(h) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity).

The writ petition is filed under misconception. Section 149(1) of the Act lays down that the provisions of CPC shall apply as merely as may be to all the proceedings before the Commissioner, Additional Commissioner, Deputy Commissioner or Assistant Commissioner under the provisions of the Act. The learned counsel for the petitioner also submits that though time was granted to the respondents, counter-affidavit is not filed. The same cannot be a ground to admit the writ petition.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

10th April, 2007

ghn